

Remarks

Claims 1-27 are pending in the Application. Claims 1-5, 7, 10, 12, 13 and 16-26 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,029,992 (Vendely et al.). Claims 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vendely et al. in view of United States Patent Application Publication No. 2001/0048216A1 (Varcus et al.). Claims 6, 8, 9, 11, and 15 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The specification is objected to. Claim 24 is cancelled. Claims 28 and 29 are new.

Applicants responded to the January 18, 2007 Office Action with an Amendment under 37 C.F.R. 1.116 on March 16, 2007. In the Advisory Action, the Examiner indicates that the March 16th Amendment would not be entered as it raises new issues that would require further information and/or search. Accordingly, Applicants have filed a Request for Continued Examination concurrent with this Amendment, including the requisite submission and fee under 37 C.F.R. 1.114(a). The present Amendment constitutes the requisite submission under 37 C.F.R. 1.114(c) with respect to the Section 102(b) and Section 103(a) rejections.

Objections to the Specification

Paragraph [0026] inadvertently refers to Figure 1 instead of Figure 1A. Appropriate correction is made in the replacement paragraph.

The Examiner objects to paragraph [0046] of the specification, recommending that, for the sake of clarity, a single number 56 or 56' be used to discuss the base plate when referring to one embodiment or another. The Examiner recommends replacing all reference numbers 56 with 56' in paragraph [0046]. Paragraph [0046] is amended accordingly, and the objection is thereby overcome.

Paragraph [0047] includes a typographical error, using the word "noticed portion" instead of "notched portion" in referring to notched portion 171' of Figure 5C. Appropriate correction is made in the replacement paragraph.

Rejections of Claims 1-5, 7, 10, 12, 13 and 16-26 under 35 U.S.C. §102(b)

The Examiner rejects claims 1-5, 7, 10, 12, 13 and 16-26 under 35 U.S.C. §102(b) as being anticipated by Vendely et al. For a claim to be properly rejected as anticipated under 35 U.S.C. § 102, every element and limitation found in the rejected claim must be found in the Section 102 reference cited by the Examiner. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP §2131.

In rejecting the claims, the Examiner states that the term “preassembled unit” used in the claims “is sufficiently broad to encompass the structure as disclosed by Vendely et al. . . . including the base plate (30).” As discussed in the previously filed amendment, Vendely et al.’s so-called base plate 30 is actually a mounting portion of a steering wheel, not part of an air bag module. In order to clarify the intended scope of the claims, claim 1 is amended to specify that the claimed air bag module is “for installation on a steering wheel” and that the “attached inner plate and base plate are attached sufficiently to one another prior to installation on the steering wheel assembly so as to be retained to one another when said cushion is inflated independent of any additional attachment to the steering wheel assembly” (emphasis added).

Applicants are unclear as to the reference made by the Examiner on pages 5 and 6 of the Office Action in regards to Applicants “reiterating” on pages 14 and 16 of the previous amendment that the “ ‘preassembled unit’ as disclosed by Vendely et al. . . . including the base plate (30), is . . . sufficiently secured to prevent separation of the cover from the base plate and the inner plate due to inflation of the cushion.” Applicants’ remarks in the previously filed amendment were not intended to, and Applicants believe do not, convey that Vendely et al. discloses a preassembled unit with a base plate as claimed in the previously presented version of claim 1. In any event, currently amended claim 1 clarifies that the recited cushion, cover, inner plate and base plate are independent of a steering wheel assembly (e.g., the claimed base plate cannot be a part of a steering wheel assembly as it is part of the claimed preassembled air bag module which is “for attachment to a steering wheel assembly” and the components of which are configured to be “attached sufficiently to one another prior to installation on the steering wheel assembly so as to be retained to one another when [the] cushion is inflated independent of any additional attachment to the steering wheel assembly”. The amendment of claim 1 presents no new matter, as Figures 1 and 2A clearly show that the components of the air bag module 10 are

preassembled prior to attachment to any steering wheel assembly. Figure 1 shows the steering wheel assembly mounting elements 72 which are described in paragraph [0035] as being:

receivable within steering wheel mounting element openings 74 of base plate 56 and . . . used to mount the air bag module 10 to the steering wheel assembly of a vehicle (not shown).

Because Vendely et al.'s so-called base plate 30 is actually a mounting portion of a steering wheel, not part of an air bag module, it cannot satisfy the requirements of the base plate recited in claim 1 which, along with the cushion, cover and inner plate are "attached sufficiently to one another prior to installation on the steering wheel assembly so as to be retained to one another when said cushion is inflated independent of any additional attachment to the steering wheel assembly". For at least this reason, the Section 102(b) rejection of claim 1 and claims 2-5, 7, 10, 12, 13 and 16-21 which depend therefrom is overcome.

Claim 22 is amended to recite the limitations of dependent claim 6, which was objected to as depending on rejected claim 1. As amended, claim 22 is of an even narrower scope than that indicated to be allowable by the Examiner with respect to claim 6. Accordingly, claim 22 is believed to be in condition for allowance, and the rejection of claim 22 under Section 102(b) is overcome.

Claim 23 is amended to incorporate the steps of claim 24, which is cancelled, with the further requirement that the mounting flange of the inflator "abuts and outer surface of [the] base plate" as a result of the "positioning [the] inflator at an opening of [the] inner plate" step. This latter limitation tracks the limitation of claim 6, which was objected to by the Examiner as dependent upon rejected base claim 1. As such, the rejection of claim 23 is overcome, as Vendely et al.'s inflator mounting flange 96 does not abut an outer surface of Vendely et al.'s so-called base plate 30'. For at least this reason, the Section 102(b) rejection of claim 23 and claims 25-26 which depend therefrom is overcome.

#### Rejections of Claims 14 and 27 under 35 U.S.C. §103(a)

Claims 14 and 27 are rejected under Section 103(a) as being unpatentable over Vendely et al. in view of Varcus et al. A *prima facie* case of obviousness requires that the prior

art references teach or suggest all claim limitations of the examined claim. (MPEP 2143.03) As discussed above, Vendely et al. does not teach or suggest all of the limitations of claim 1, from which claim 14 depends, nor all of the limitations of claim 23 from which claim 27 depends. Neither does Varcus et al. teach or suggest these limitations missing from Vendely et al. (i.e., the requirement of claim 1 that the claimed air bag module is “for installation on a steering wheel” and that the “attached inner plate and base plate are attached sufficiently to one another prior to installation on the steering wheel assembly so as to be retained to one another when said cushion is inflated independent of any additional attachment to the steering wheel assembly”; and the requirement of claim 23 that the mounting flange of the inflator “abuts and outer surface of [the] base plate” as a result of the “positioning [the] inflator at an opening of [the] inner plate” step). For at least these reasons, the rejection of claims 14 and 27 under Section 103(a) is overcome.

#### New Claims 28 and 29

New claim 28 recites that the “inner plate [24] extends generally away from and is characterized by a substantial absence of structure extending toward said portion of said cushion [12] and said portion [36] of said cover [32] retained between said base plate [56] and said inner plate [24]” (reference numerals added for purposes of explanation). Claim 28 presents no new matter. It is clear from Figures 1A and 2A that the peripheral wall 30 of the inner plate 24 extends away from the cover extension 36 and the portion of the cushion 12 that is sandwiched between the inner plate 24 and the base plate 56. The same is true for the identically numbered structure of the embodiments of Figures 2B and 2C. The embodiment of Figure 3 also illustrates the limitations of claim 28. The L-shaped foot portions 176 are inward of the cover extension and the portion of the cushion that is sandwiched between the inner plate and the base plate, and so do not “extend toward” said portions, in accordance with new claim 28. The same is true of the alternate fastener elements and retaining features of Figures 4A-4D and 5A-5C, respectively.

New claim 29 recites that the air bag module includes “an inflator [42] having a mounting flange [44]; and wherein said mounting flange [44] is sandwiched between and surrounded by said inner plate [24] and said base plate [56] to thereby retain a position of said inflator [42]” (reference numerals added for purposes of explanation). Claim 29 presents no new matter. It is clear from Figures 1A-2B that the mounting flange 44 of the inflator 24 is sandwiched between the inner plate 24 and the base plate 56 and is surrounded thereby (e.g.,

because the inflator 24 is held in the aligned inflator openings 28 and 58 of the inner plate 24 and base plate 56, respectively).


New claims 28 and 29 depend from claim 1, and are therefore allowable for at least the same reasons that claim 1 is allowable.

#### Conclusion

In light of the amendments to the specification and the claims and the above remarks, the Application is in condition for allowance with remaining claims 1-23 and 25-29, which action is respectfully requested. Please charge any fees associated with this Amendment to Deposit Account Number 07-0960.

Respectfully submitted,

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